

JAY J. BLUMBERG *
jjblumberg@blumberglawoffices.com
CERTIFIED CIVIL TRIAL ATTORNEY

CHRISTOPHER M. WOLK *
cwolk@blumberglawoffices.com

KRISTY L. KRASOWSKI *
kkrasowski@blumberglawoffices.com

*MEMBERS OF
PENNSYLVANIA AND NEW JERSEY BAR

**LAW OFFICES OF
JAY J. BLUMBERG, ESQ.**

**158 DELAWARE STREET
P.O. BOX 68
WOODBURY, NJ 08096
856-848-7472 PHONE
856-848-8012 FAX**

OF COUNSEL

JEAN S. CHETNEY*
jchetney@blumberglawoffices.com

June 24, 2013

Hon. Dennis F. Saylor, IV
US District Court Judge
District of Massachusetts
John Joseph Moakley U.S. Courthouse
1 Courthouse Way
Suite 2300
Boston, MA 02210

In re: New England Compounding Pharmacy, Inc. Products Liability Litigation
Docket No. 1:13-md-2419-FDS
This Document relates to:
Hannah v. New England Compounding Pharmacy, Inc., et al., Docket No. 13-cv-10407;
Jones v. New England Compounding Pharmacy, Inc., et al., Docket No. 13-cv-10409;
Ramos v. New England Compounding Pharmacy, Inc., et al., Docket No. 13-cv-10410;
Rios v. New England Compounding Pharmacy, Inc., et al., Docket No. 13-cv-10411;
Rivera v. New England Compounding Pharmacy, Inc., et al., Docket No. 13-cv-10412;
Tayvinsky New England Compounding Pharmacy, Inc., et al., Docket No. 13-cv-10414;
Gould v. New England Compounding Pharmacy, Inc., et al., Docket No. 13-cv-10444; and
Normand v. New England Compounding Pharmacy, Inc., et al., Docket No. 13-cv-10447

Dear Judge Saylor:

This office represents Defendants Premier Orthopedic Associates and Dr. Smith-Martin with regard to the above matter. It is with regard to the Plaintiff's Steering Committee's (PSC) motion to enter the Proposed Case Management Order (CMO) that was filed on June 18, 2013 (Doc. No. 185) that I now write. The undersigned respectfully requests that the Court make no rulings and take no action regarding the CMO until the order can be reviewed and objections filed. First, to our knowledge the Unaffiliated Defendants did not participate in the drafting of this CMO and furthermore were not consulted regarding same.

Secondly, and with respect to the PSC, the CMO puts forth extremely aggressive deadlines not only for discovery and actions related to the Affiliated Defendants but with regard to the Unaffiliated Defendants. As pointed out by Counsel for Inspira Health Center in their June 20, 2013 letter to the Court objecting on the same grounds, pages 8-20 of the CMO pertain in some cases almost exclusively to the Unaffiliated Defendants. These matters include not only settlement discussions and mediation but most importantly, Discovery. It is anticipated that a more formal objection will be filed with the Court in the coming days and it is therefore respectfully requested that Your Honor not make any decisions regarding the CMO at this time or until all objections have been filed.

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Further, the PSC's motion (Document No. 185) requests "that if the Court finds some provisions appropriate but has (sic) questions about others, that (sic) the Court not wait until the next status conference to enter an order that addresses the unobjectionable provisions." Since Premier Orthopedic Associates and Dr. Smith-Martin and most, if not all, other Unaffiliated Defendants did not consent to the scope or the breadth of the CMO that affects them directly, and because the Unaffiliated Defendants should be a part of the process going forward, we respectfully request that Your Honor refrain from deciding the PSCU's motion until all oppositions/objections are filed and considered by the Court.

Respectfully,

LAW OFFICES OF JAY J. BLUMBERG, ESQ.

/s/ Jay J. Blumberg, Esq.

Jay J. Blumberg

Cc: All counsel of record (via CM/ECF)